



News Release

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MSHA chief: Pattern of violations reforms have made mines safer

ARLINGTON, Va. – The pattern of violations reforms undertaken by the U.S. Department of Labor’s Mine Safety and Health Administration have been “a game changer in mine safety and health culture,” Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main said as the reforms near their second anniversary.

Under the [Federal Mine Safety and Health Act of 1977](#), MSHA is authorized to issue a POV notice to mine operators that demonstrate a disregard for the health and safety of miners through a pattern of significant and substantial violations. A POV notice, one of the agency’s toughest enforcement actions, is reserved for mines that pose the greatest risk to the safety and health of miners.

Prior to 2010, no mine had ever been placed on a pattern of violations in the history of the Mine Act. That year, Main directed the implementation of sweeping reforms to POV provisions. The reforms were driven in part by shortcomings identified in the aftermath of the 2010 Upper Big Branch coal mine explosion, which killed 29 miners.

“Data show that these reforms, in combination with other agency efforts, such as the impact inspection program, have led to significant reductions in the universe of chronic violators, prompted operators with troubled compliance records to improve their safety and health programs, and resulted in much safer mines in our nation,” said Main.

“The unacceptable violation records once held by top chronic violators, such as Upper Big Branch, are becoming a thing of the past,” said Main.

Under the reforms, a refined POV screening process has allowed the agency to better target chronic violators and identify mines that are potential pattern violators.

Consequently, in 2011, two mines were designated as the first operations to be subject to the full measure of the law. The rule at that time contained a potential pattern of violation process step that allowed mine operators additional time to avoid a POV notice. Also that year, MSHA proposed a new and tougher POV rule that aligned it with Congress’s original intent in enacting the Mine Act. That rule was finalized in January 2013 and eliminated the potential POV step.

If a mine receives notice of a POV, [Section 104\(e\)](#) requires all subsequent violations designated as S&S be issued as withdrawal orders, with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions if no S&S violations are found within 90 days of the POV notice’s issuance. Failing that, a POV designation can be terminated only after an inspection of the entire mine results in no S&S violations.

After the 2010 reforms, 30 mines have been placed on a potential POV and, with the latest notice delivered to the Revenue Mine in Colorado last week, seven mines have been placed on a POV.

In 2010, when MSHA first used the revised potential POV screening tool, 51 mines were identified for further review. Using the same screening criteria, 12 mines were identified in this year's screening – a 76 percent reduction in the universe of chronic violators. The most significant reduction was in the coal sector, which accounted for 42 screened mines in 2010, and only 6 in the recent 2014 screening – an 86 percent reduction.

The top 12 of the 51 mines identified in the 2010 screening had been cited for a combined total of 5,431 violations, 2,050 of which were S&S violations. In contrast, the top 12 mines identified in the 2014 screening had been collectively cited for 1,952 total violations, 857 of which were S&S violations. This is a 64 percent reduction in total violations, and a 58 percent reduction in S&S violations.

MSHA has measured the effectiveness of its reforms on mines undergoing the potential POV and POV process by comparing the results of mine inspections six months prior to their POV notice and potential POV actions to inspection results following the actions. Since 2010, among the mines that were placed on POV or went through the potential POV process under the prior rule, the number of S&S violations has dropped by 62 percent, and total violations fell by 38 percent. Notably, unwarrantable failure violations dropped by 81 percent. In addition, the operator-reported rate of lost-time injuries in these mines went down 48 percent.

To help mines comply with the POV law, MSHA created [online tools](#) that allow operators to continuously monitor their own compliance records so they can take proactive measures to improve them.

Data also indicate that MSHA's actions have driven better compliance well beyond the mines evaluated for POV. Between the 2010 and 2014 screenings, there was a 30 percent drop in S&S violations among the top 200 mines ranked by number of S&S issuances. Those mines also saw a 24 percent drop in total violations and a 27 percent drop in elevated enforcement actions, such as closure orders for imminent dangers or unwarrantable failures to comply with health and safety standards.

“The POV reforms have sent a message that chronic violator behavior will no longer be tolerated and elevated the safety culture in the nation's mines,” said Main.

“While we can't measure how many lives have been saved and how many illnesses and injuries have been prevented, we do know that these reforms have made a real difference in the safety, health and well-being of our nation's miners. That's what really counts,” he added.

[Read the assistant secretary's message here.](#)

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